

Message

From: Ware, Ethan [eware@williamsmullen.com]
Sent: 9/8/2017 8:09:10 PM
To: Luetscher, Greg [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4bfc6eb465a543128e5c7e7df9f982ce-Luetscher, Gregory]
CC: King, Jessica [jking@williamsmullen.com]
Subject: RE: Burlington Industries Cheraw - Attached AOC For Removal [IWOV-IWOVRIC.FID1622654]

Greg –

We have reviewed the Draft 107 AOC with EPA edits. Highland Industries, Inc. is prepared to execute the document with EPA revisions provided by EPA email September 1, 2017. We will have the corporate parent review and execute the final document once it is sent to us from EPA.

Timing for deliverables in paragraphs 29, 30, and 35.a conflict and preclude compliance with the 107 AOC. The requirements of these paragraphs (as written) cannot be reconciled in the following respects:

1. Subcontractors must be identified within 20 days of the Effective Date, Paragraph 29, but the Work Plan for work to be completed will not be approved for at least 75 days after the Effective Date. Paragraph 35.a. The Project Coordinator (PC) and Contractor cannot develop the bid package for subcontractors until the Work Plan is approved, of course, and therefore are precluded from identifying subcontractors within 20 days of the Effective Date.
2. Paragraph 30 requires the PC to be identified 10 days before the Contractor (who will be the PC) must be identified. The dates as written contradict and invalidate the scheduling dates set forth in Paragraph 29.

We request EPA reconsider the decision not to accept our recommended changes to these scheduling items. Highland object to liability for stipulated penalties or other penalties for non-compliance with the deadlines discussed above.

As discussed previously, because the parent company is located in Japan, it may take some time for the final 107 AOC to be executed. Please build an extra 5 business days into the timing for signature.

Ethan Ware.

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From: Luetscher, Greg [mailto:Luetscher.Greg@epa.gov]
Sent: Friday, September 1, 2017 5:14 PM
To: Ware, Ethan <eware@williamsmullen.com>; King, Jessica <jking@williamsmullen.com>
Cc: Mann, Teresa <Mann.Teresa@epa.gov>; Hansen, Susan <Hansen.Susan@epa.gov>
Subject: Burlington Industries Cheraw - Attached AOC For Removal

Ethan and Jessica,

Attached please find EPA's draft-final Removal AOC for the Burlington Industries site. Although we consider the document to be a draft-final, please be advised that it nevertheless remains subject to change pending the concurrence and/or approval of EPA's senior management.

We have made every effort to fully evaluate and address all of the comments and suggested changes that were set out in your August 30 draft. You'll probably notice several formatting or similar errors resulting from some filing-handling problems that we encountered. We plan to repair these issues on Tuesday and will provide you with a clean draft that

will be identical in all other respects. If either of you have any questions about the attachment or if you become aware of any glaring errors that I've caused or failed to correct, please simply give me a call and we can go over the document on the phone if you'd like.

Thanks.

Greg

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